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## FISCAL IMPACT REPORT

SPONSOR: Sharer DATE TYPED: 2/19/03 HB \_\_\_\_\_

SHORT TITLE: Create 14<sup>th</sup> Judicial District SB 78

ANALYST: Hayes and Chavez

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	\$90.0		See Narrative	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB 127

Conflicts with SB 143

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

#### Responses Received From

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorneys (AODA)

Public Defender Department (PDD)

Eleventh Judicial District

### SUMMARY

#### Synopsis of Bill

Senate Bill 78 amends Section 34-6-1 NMSA 1978 regarding the judiciary so that the 11<sup>th</sup> Judicial District Court would contain only the county of McKinley and a new 14<sup>th</sup> Judicial District would be created composed of San Juan County.

The 11<sup>th</sup> district would have two judges instead of six if this legislation is enacted, and the new 14<sup>th</sup> district San Juan County would have four. The net number of judgeships (6) would be the same.

SB 78 also appropriates \$90.0 from the general fund to the Administrative Office of the Courts

(AOC) for the purpose of funding necessary salaries, benefits, office supplies, materials and other costs associated with creating a 14<sup>th</sup> Judicial District Court in San Juan County.

The effective date of the bill is July 1, 2003.

Significant Issues

1. ***Splitting the Eleventh District.*** The 11<sup>th</sup> Judicial District Court currently has six judges. The bill assigns two judges to the 11<sup>th</sup> district and reassigns four to the proposed 14<sup>th</sup> district. SB 78 also transfers all budgets, personnel, money, funds, appropriations, accounts, furniture, equipment, office supplies, etc., plus all contracts, debts, liabilities or other obligations attributable to those four judges to the 14<sup>th</sup> Judicial District. Implementing this transfer will not only include cooperation of the judges and courts but also with DFA in regards to inventory, property control, accounting functions and records. It is unclear how many items or how much funding will be identified as “attributable” to the four judges being reassigned to the new 14<sup>th</sup> district.
2. ***Effects on the District Attorney’s Office.*** This transfer is applicable to the 11<sup>th</sup> Judicial District Attorney as well; that certain attorneys, staff, records and resources must be reassigned to the new 14<sup>th</sup> district. However, this “split” puts into statute what already exists for the 11<sup>th</sup> Judicial District Attorneys’ Office, a division I and division II. The cost and the impact on the district attorneys would be minimal.
3. ***County Support for 14<sup>th</sup> District.*** County governments in New Mexico are responsible for the funding, construction, utilities and maintenance of all district courthouses, not the State of New Mexico. Naturally, this legislation raises the question whether the sponsor has discussed the creation of a 14<sup>th</sup> Judicial District Court in San Juan with county officials. Are county officials and taxpayers of San Juan County in support of this legislation?
4. ***Caseload.*** This proposal, creating a 14<sup>th</sup> Judicial District Court, was not presented in the *Judiciary Unified Budget*. The AOC utilizes its Workload Measurement Study data and Weighted Caseload Analysis to support such requests. In the case of creating the 14<sup>th</sup> district, no such data was presented. In summary, no explanation is given as to why the creation of the 14<sup>th</sup> Judicial District Court is needed.

**FISCAL IMPLICATIONS**

The appropriation of \$90.0 appropriation is for the non-recurring costs of changing stationary, telephone and fax numbers, computer/database access, internet connectivity, financial accounts, payroll, webpage, etc. The remaining portion of the \$90.0 is a safety measure for one additional FTE. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

The reallocation of *existing* personnel from San Juan to McKinley County would require no additional impact to the general fund. However, based on the judicial staffing study, the Eleventh Judicial District continues to have one of the highest needs for additional staff. As reflected by the judicial staffing study, the court is currently understaffed by fifteen positions.

Attached is a spreadsheet prepared by Weldon Neff, court administrator for the Eleventh Judicial

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District, which documents the current and proposed staffing roster with respect to the Eleventh and proposed Fourteenth Judicial Districts. According to Mr. Neff, the cost of additional personal would total \$423,342. However, as indicated by Mr. Neff, one financial specialist position from San Juan County could be reallocated to McKinley County. In addition, the deputy court administrator may be reallocated from San Juan County to McKinley County, thus reducing the estimated cost from \$423,342 to \$290,173.

The Administrative Office of the Courts states that the \$90.0 appropriation in this bill to assist with the transfer and creation of a 14<sup>th</sup> district is insufficient. According to the AOC, the creation of another judicial district will require the establishment of separate offices, procedures and management of all administrative functions, including budget preparation, fiscal services and human resource management. In order for both courts to operate independently and effectively, AOC believes that additional staff and funding are needed totaling \$510,061.

### **DUPLICATION, CONFLICT**

HB 127 duplicates SB 78.

SB 143 proposes increasing the number of judgeships in the 11<sup>th</sup> district from six to eight. The bill specifically increases the number of judges in San Juan County from four to five who “must reside and maintain their principal offices in San Juan County.” In McKinley County, SB 143 increases the number of judges from two to three.

### **TECHNICAL ISSUES**

The current General Appropriation Act has approximately \$3.5 million for the 11<sup>th</sup> Judicial District Court. If this legislation is enacted, the 11<sup>th</sup> district’s appropriation will need to be reduced and some portion reallocated and appropriated to the new 14<sup>th</sup> district.

### **SUBSTANTIVE ISSUES**

A legislative option is to change the effective date from July 1, 2003 to July 1, 2004 to enable staffing needs of both districts to be addressed during the 2003 interim and at the 2004 session for adoption of FY 05 budgets. Discussion during the 2003 interim could also focus on adequate funding recommendations for both districts and appropriate apportioning of the budget between the two districts.

### **POSSIBLE QUESTIONS**

1. On what basis is a 14th Judicial District needed? Geographic size? Caseload? Residency requirements? Population growth? What is the goal of creating the new district ?

**CMH/sb**